MONTANA LEGISLATIVE HISTORY

Chapter 277 19 74

Bill H _____ S 599 Original bill & history ___C

H. Committee on Judiciary			S. Committee on Taxation		
Hearing Date(s)	Feb 08	✓C	Hearing Date(s)	Jan 19	✓C
	Feb 19	✓C		Jan 22	✓C
		___C			___C
		___C			___C
Date Out		___C		Jan 22	✓C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

H. Taxation

Feb 26 ✓C

Mar 05 ✓C

Jan 19

enticement for private industry, business, to come in and build. Testifying also as proponents were Mr. Gallagher from Helena and Mr. Schoenfel and Ms. Prchal both of Billings; Ed Gallagher and John Radonich, both of Anaconda; Mr. McConey of Butte; Keith Keller of Helena.

Members of the committee asked a number of questions of those testifying involving method of financing such renewal costs and concluded that further study be made of this bill. Chairman Nees asked for further testimony from opponents of the bill.

Senator McKeon moved that HOUSE BILL 193 be placed in a SUB-COMMITTEE. Senator Mathers seconded the motion; motion carried.

After a brief discussion on House Bill 517, a hold-over bill and previously heard, Senator Mathers moved that HOUSE BILL 517 BE NOT CONCURRED IN. Senator Turnage seconded the motion; motion carried.

CONSIDERATION OF SENATE BILL 551: Senator McGowan, author of the bill, said the bill was merely to clarify a tax classification and would involve no change in the law. Mr. Burr of the Department of Revenue also urged passage of the bill.

Senator McKeon moved SENATE BILL 551 DO PASS. Senator Mathers seconded the motion; motion carried.

CONSIDERATION OF SENATE BILL 552: Senator McGowan, author, explained his bill which concerns reimbursement to the Tax Appeal Board members for expense incurred in attending tax hearings and also would require counties to provide a meeting place for tax hearings and foot the cost of a written record of those proceedings. Mr. Wayrynen spoke in support of the bill, saying money is available at present to pay expenses of board members who have attended such hearings and the bill would allow those claims to be paid.

At this point in the meeting Senators Manning, Mathers and Klindt asked to be excused to attend other committee meetings.

Chairman Nees asked for questions from the committee on the bill. Dean Zinnecker of the Association of Counties spoke, saying the association was in favor of several of the amendments proposed by Mr. Wayrynen, but stated the association's objections to a number of the proposals. There was discussion between members of the committee and representatives of the STAB. Testimony also heard from Helen Peterson of the STAB. Mr. Miller distributed copies of the proposed amendments (copy attached). Mr. Burr and Mr. McGinnis of the Department of Revenue also discussed several aspects of the bill.

Chairman Nees questioned the committee as to what they wished to do regarding the bill and Senator McGowan moved SENATE BILL 552 be placed in a SUB-COMMITTEE. Senator Broeder seconded the motion; the motion carried.

CONSIDERATION OF SENATE BILL 599: Senator Turnage, author of the bill, introduced it and following this, the committee heard from Mr. Wayrynen and Charles Smith of the STAB. Morley Cooper of the STAB also spoke briefly regarding the bill.

Chairman Nees asked for opposition or further discussion of the bill and members of the committee requested the bill be deferred for action until a later date.

Chairman Nees appointed the following committee members to the previously-mentioned Sub-Committees:

HOUSE BILL 193	Senator	McKeon
	"	Bennett
	"	Turnage
SENATE BILL 552	Senator	McGowan
	"	Bennett
	"	Vainio

Due to the lengthy testimony on several of the bills, action and discussion on House Bill 58 was deferred.

ADJOURNMENT: There being no further business, Senator Broeder moved the meeting adjourn; motion seconded by Senator Mathers and motion was carried.

Nees

STANLEY NEES CHAIRMAN

Senator Jean A. Turnage

SENATE BILL ____

This bill would amend Section 84-709 which provides for the procedures on appeal to the State Tax Appeal Board and the Board's authority on appeal. Essentially, the bill is of a housekeeping nature and will serve to eliminate some of the areas of confusion that have arisen since the Board came into existence on July 1, 1973.

The amendment is the addition of language which is intended to clarify the authority of the State Tax Appeal Board and to eliminate the confusion concerning the conflict in procedures before the Board and the Montana Administrative Procedures Act.

Section 84-601 which creates county tax appeal boards specifically provides that they shall have the authority to change or modify any tax assessment of the Department of Revenue. There is presently no language in the State Tax Appeal Board statutes which spells out their authority in this regard. As a result, the Department of Revenue has appealed several State Tax Appeal Board rulings modifying county tax appeal board decisions on the grounds that the state board's authority is limited to either affirming or denying the decision appealed to it. In addition, the Department of Revenue has taken the position in several cases now

pending in court that the board is bound by their rule or regulation in making a decision. In other words, if a Department of Revenue regulation provides that a particular method is to be used in assessment, the Board cannot grant any relief to a taxpayer assessed by that method even though the board finds it to be inequitable. This, of course, flies in the face of the constitutional requirement that the STAB be an independent appeal body. This amendment will insure the Board's independence.

The amendment further provides that the STAB statutory procedures shall supersede any conflicting procedures established by the MAPA. The problems with the conflicts are mainly due to Section 82-4223 of the Act which provides that the MAPA controls any statute in conflict with it when the contrary is expressly provided. For example, the MAPA (82-4209-6) provides that the cost of transcribing the testimony of a hearing for an appeal "shall be paid by the requesting party". This would require a taxpayer wishing to appeal a decision to the STAB to first expend a substantial sum of money for a transcript. The practical effect of this, in most cases, would be to deny a taxpayer his right to an appeal since most taxpayers either cannot afford the cost or the amount involved does not justify paying the cost of the transcript. Section 84-709, on the other hand, provides that the cost of the transcripts on appeal shall be paid by the Board

out of its appropriations, thus eliminating this cost to the taxpayer. This is in conflict with the MAPA and unless the language of this amendment is adopted, the MAPA will control.

Another example of this conflict is the Board's discretion under 84-709 to either hold a hearing or decide the appeal on the basis of the record. Assuming the record to be susceptible of basing a decision on appeal, the Board can determine the appeal without the taxpayer having to attend another hearing if he so chooses. This will save him both time and expense. The MAPA, on the other hand, requires an appeal board to hold another hearing in all contested cases. If this requirement controls, the taxpayers would have to go through another complete hearing in his case or lose by default.

The reason for asking for an effective date before July 1st is because the bill in its original form will make it possible to pay the County Tax Appeal Board members for the meeting they attended and the service they rendered during this past year. Testimony has shown that there is sufficient funds available in the proper appropriation for this purpose.

However, if the effective date is not provided and the bill becomes effective July 1st the funding for this purpose will not be available after June 30th when the fiscal year ends.

proposal to further amend Senate Bill No. 599 on page 3, line 20 of the printed bill by adding after the word "thereon" the following sentence, "All parties to the appeal shall cause to be served on the state tax appeal board a copy of all pleadings and documents they shall file in such proceeding."

Amend Senate Bill 599 on page 2, line 22 of the printed bill by striking out the word "such".

Section 84-709

This proposed amendment to Section 84-709 is for the purpose of improving the time period in which a taxpayer may file an appeal to the State Tax Appeal Board from a decision of the County Tax Appeal Board.

The present statute provides that a notice of appeal must be filed within 10 days after the "action" of the county. We have discovered that at times when the county boards are busy with numerous hearings, a time lag of 3 to 5 days can result from the time the board takes action until the taxpayer receives notification of the decision.

There have been instances where it hasn't been adequately clear on which day the county board took action, and consequently when the 10-day appeal period has expired.

Section 84-604 requires that the County Tax Appeal Board notify the taxpayer of its decision by registered or certified mail.

The proposed amendment to Section 84-709 merely would grant either party to the county board's hearing a full 10 days after "receipt of the decision of the county board in which to file an appeal.

TURNAGE

Section 84-709.1

This proposed amendment to Section 84-709.1 is intended to do only one thing---to properly notify the state tax appeal board that one of its' decisions is to be subject to judicial review by the district court.

If either party to a state tax appeal board hearing is agrieved by the boards final decision they may wish to file a petition in the district court for judicial review of the decision.

If the appeal board is not named as a party to the proceeding, as is most often the case, it has no way of knowing that some legal action has been instituted.

The state tax appeal board is required under Section 84-421((4) to submit to the reviewing court within 30 days the original or certified copy of the entire record of the proceeding under review.

In order that the state board can have the record ready for the district court it must have timely notice that an action has been instituted.

It is for this reason, and this reason only, that this amendment is requested,---which would require that the state tax appeal board be served with a copy of any petition to the district court requesting a judicial review of any order or decision of said state tax appeal board.

MINUTES OF THE MEETING
TAXATION COMMITTEE
MONTANA STATE SENATE

January 22, 1974

The fifth meeting of the Taxation Committee was called to order by Chairman Nees on the above date in Room 415 of the State Capitol Building at 8:00 a.m.

ROLL CALL: All committee members were present.

The following witnesses were present to testify:

Vernon Miller	State Tax Appeal Board
S. Keith Anderson	Montana Taxpayers Association
Bryand B. Anderson	Helena Property Owners Association
Dean Zinnecker	Montana Association of Counties
Ty Robinson	Montana R.R. Association
Dell R. Matthis	Western Microwave Inc.
Dennis Burr	Department of Revenue

Chairman Nees opened the meeting stating that a number of the held-over bills had been heard and discussed by the members and asked that the committee members, if they agreed, might take action on several of them.

DISPOSITION: Senator Mathers moved that HOUSE BILL 192 BE NOT CONCURRED IN. Senator Turnage seconded the motion; motion carried.

Senator Mathers moved that HOUSE BILL 58 BE NOT CONCURRED IN. The motion was seconded by Senator Turnage and motion carried.

Following the disposition of these bills, Chairman Nees asked for consideration of the bills scheduled for the day.

CONSIDERATION OF SENATE BILL 589: Senator Goodheart, sponsor of the bill, was present to give a brief testimony on his bill. Members of the committee asked about the present system of taxing microwave facilities and Mr. Burr answered several of their questions as well. Chairman Nees asked for further question and for opposition.

Senator Turnage moved SENATE BILL 589 DO PASS. Senator Mathers seconded the motion and motion was carried.

CONSIDERATION OF SENATE BILL 599: Senator Turnage, one of the bill's authors, discussed a number of proposed amendments to the bill. Committee members asked questions concerning these amendments, a copy of which is attached.

Following the discussion, Senator Turnage moved TO ADOPT THE AMENDMENTS TO SENATE BILL 599. Senator Bennett seconded the motion and motion was carried.

Senator Turnage then MOVED SENATE BILL 599 AS AMENDED DO PASS. Senator Mathers seconded the motion and motion was carried.

CONSIDERATION OF SENATE BILL 552: Senator McGowan discussed the

SENATE BILL 599 Senator Jean A. Turnage, chief sponsor of this bill clarifying the powers of the state tax appeals board and the procedures involved in appeals before the state tax appeals board, and amending sections 84-709 and 84-709.1, stated this bill is a very important bill. Feels it is hard to understand the whole problem unless you get some background in the history. Gave background by reading Article 8, section 7 of the 1973 Constitution. Following the requirement by the constitution the legislature enacted 84-709 in the last session which set up the state tax appeal board machine. Provided board may in its discretion hear further testimony or dispose of appeal. Senator Turnage feels the constitution intended board to affirm, repeal or modify decisions. Administration procedural act interpreted 84-709 to allow an affirmation or reversal on appeals. If this thought prevails will create a great deal of litigation. Senate Bill No. 599 takes care of the problem and gives the board the authority to modify decisions.

Section 82-4223 makes the language in this bill necessary or bill would be of no force or effect. This section is unique to Montana.

Proponent Mr. Ray Weyrynen, chairman of the state tax appeal board, stated he wanted the committee to know the changes suggested were at the suggestion of the state tax appeal board. Is rather surprised the Department of Revenue not here to oppose the bill. Suspects they possibly have withdrawn their opposition. Cited cases which are given in prepared testimony (see exhibit). Feels their board is supposed to rubber stamp decisions of Department of Revenue. Feels this bill is needed to clear up conflicts. Urged passage.

No other opponents. Hearing was then closed.

Representative McKittrick stated he would like a copy of the administration procedural act which talks about just affirming or reversing decisions. Representative Greely inquired whether any department regulations address themselves to equalization. Mr. Wayrynen stated he thinks they do.

All business being concluded the meeting adjourned at 10:00 AM.

DAN YARDLEY, VICE-CHAIRMAN

DY:pb

STATEMENT OF RAY J. WAYRYNEN, CHAIRMAN, STATE TAX APPEAL BOARD
BEFORE THE HOUSE JUDICIAL COMMITTEE, FEBRUARY 8, 1973
SENATE BILL 599

THE NEW SYSTEM OF TAX APPEAL PROCEDURES WAS CREATED JUST A YEAR AGO BY THIS SAME LEGISLATURE, AND THE STATE AND COUNTY TAX APPEAL BOARDS HAVE ONLY BEEN IN EXISTENCE SINCE LAST JULY 1ST, BUT WE HAVE HAD SOME VERY INTERESTING EXPERIENCES.

WE ARE ATTEMPTING TO CARRY OUT OUR STATUTORY DUTIES, RESPONSIBLY, AND TO PROVIDE A TRULY INDEPENDENT TAX APPEAL PROCEDURE AS CALLED FOR IN SECTION 7, OF ARTICLE VIII OF THE NEW CONSTITUTION. BUT, IN THIS SHORT SPAN OF OUR EXISTENCE, IT HAS BECOME OBVIOUS THAT THE MONTANA DEPARTMENT OF REVENUE IS ATTEMPTING TO RESTRICT AND LIMIT OUR AUTHORITY AND DILUTE OUR EFFECTIVENESS, AND IT IS FOR THESE REASONS WE HAVE PROPOSED THE CHANGES EMBODIED IN S.B. 599.

THE DEPARTMENT OF REVENUE HAS OBJECTED TO THE NEW LANGUAGE ON THE BOTTOM OF PAGE 2 AND THE TOP OF PAGE 3. THEY CONTEND THE STATE TAX APPEAL BOARD SHOULD NOT HAVE THE AUTHORITY TO MODIFY ANY APPEALABLE DECISION. SECTION 84-601 GIVES THE COUNTY TAX APPEAL BOARDS THE AUTHORITY TO CHANGE OR MODIFY AN ASSESSMENT AND THE STATE BOARD SHOULD HAVE SIMILAR POWERS. THERE PRESENTLY IS NO SUCH LANGUAGE IN THE STATE TAX APPEAL BOARD STATUTES, BUT IT HAS BEEN ARGUED THAT THE STATE TAX APPEAL BOARD HAS AN INHERENT AUTHORITY TO MODIFY ANY APPEALABLE DECISION WHEN THE HEARING EVIDENCE AND TESTIMONY CLEARLY INDICATE THAT IT IS THE ONLY PROPER AND LOGICAL COURSE TO TAKE. THIS CAN BEST BE ILLUSTRATED BY AN ACTUAL CASE TAKEN FROM THE 1973 STATE TAX APPEAL BOARD HEARINGS.

IN THE INSTANT CASE, THE TAXPAYER HAD PROTESTED TO THE COUNTY TAX APPEAL BOARD THE VALUE PLACED ON HIS LAND LOCATED IN A MIDTOWN

THE COUNTY BOARD HEARD THE MATTER AND ENTERED AN UNUSUAL DECISION WHEN THEY DID NOT DECIDE IN FAVOR OF EITHER THE TAXPAYER OR THE DEPARTMENT OF REVENUE. INSTEAD OF ANY POSITIVE DECISION, THE COUNTY BOARD MERELY MADE A RECOMMENDATION.

THE TAXPAYER FOLLOWED UP WITH AN APPEAL TO THE STATE TAX APPEAL BOARD. THE TESTIMONY AT THE STATE HEARING PROVED THAT THE ORIGINAL CONTENTIONS OF BOTH THE DEPARTMENT OF REVENUE AND THE TAXPAYER WERE INCORRECT.

THE TESTIMONY OF THIS HEARING SHOWS THAT THE DEPARTMENT OF REVENUE APPRAISER AGREED AND STATED THAT THE LAND IN QUESTION WAS APPRAISED TOO HIGH AT $6.50 A SQUARE FOOT. THE TAXPAYER'S CONTENTION THAT THE PROPER VALUE SHOULD BE $1.00 PER SQUARE FOOT WAS OBVIOUSLY TOO LOW.

HERE IS A CLASSIC CASE WHERE SOME MODIFICATION BY THE STATE TAX APPEAL BOARD WAS CLEARLY INDICATED -- FOR HAD THE STATE BOARD FOUND IN FAVOR OF EITHER PARTY, THE DECISION WOULD HAVE BEEN INCORRECT AND IMPROPER.

THE OUTCOME OF THIS PARTICULAR CASE WAS THAT THE STATE TAX APPEAL BOARD PUT OUT AN ORDER MODIFYING THE VALUATION IN QUESTION -- AND THE ORDER WAS ACCEPTED BY BOTH PARTIES. IN THIS CASE, THE DEPARTMENT OF REVENUE DID NOT OBJECT TO THE MODIFICATION BECAUSE THEY APPARENTLY REALIZED IT WAS THE PROPER COURSE FOR THE STATE TAX APPEAL BOARD TO TAKE.

IT IS FOR THIS TYPE OF SITUATION THAT THE STATE BOARD SHOULD HAVE THE STATUTORY AUTHORITY TO MODIFY -- WHEN THE HEARING EVIDENCE AND TESTIMONY CLEARLY INDICATE THAT SUCH ACTION IS IN ORDER -- AND TO DO ANYTHING DIFFERENT WOULD CONSTITUTE AN OBVIOUS ERROR IN JUDGMENT.

OTHER EXAMPLES OF THE DEPARTMENT OF REVENUE'S ATTEMPTS TO LIMIT THE AUTHORITY AND EFFECTIVENESS OF THE STATE TAX APPEAL BOARD CAN BE SHOWN BY SOME OF THE DEPARTMENT OF REVENUE'S ALLEGATIONS TAKEN FROM

ACTUAL PETITIONS FOR JUDICIAL REVIEW FILED IN THE DISTRICT COURTS OF MONTANA.

1ST JUDICIAL DISTRICT COURT -- DEPARTMENT OF REVENUE -- CAUSE NO. 37385:

THE DEPARTMENT OF REVENUE ALLEGES (AND THIS IS THE DEPARTMENT'S OWN LANGUAGE): PARAGRAPH V .... "THE STATE TAX APPEAL BOARD EXCEEDED ITS FUNCTION IN REVIEWING A DECISION OF A COUNTY TAX APPEAL BOARD AND SUBSTITUTED ITS JUDGMENT FOR THAT OF THE LOCAL BOARD."

HERE THE DEPARTMENT OF REVENUE IS SAYING THAT THE STATE TAX APPEAL BOARD DOES NOT HAVE THE AUTHORITY TO REVERSE A DECISION OF A COUNTY TAX APPEAL IF THE COUNTY BOARD HAS FOUND IN FAVOR OF THE DEPARTMENT. APPARENTLY, THE ONLY DECISIONS OF THE STATE TAX APPEAL BOARD THAT WOULD BE ACCEPTABLE TO THE DEPARTMENT OF REVENUE WOULD BE THE DECISIONS AFFIRMING THE DEPARTMENT OF REVENUE'S POSITION.

THE SAME ALLEGATION IS IN ANOTHER CASE INVOLVING CASCADE COUNTY.

THE DEPARTMENT OF REVENUE WILL ARGUE THAT THE STATE TAX APPEAL BOARD IS BOUND BY THE DEPARTMENT'S RULES AND REGULATIONS, AND THAT WE CANNOT DECLARE A DEPARTMENT RULE INVALID EVEN IF THE HEARING TESTIMONY PROVES CONCLUSIVELY THAT THAT IS INDEED THE CASE. TO ILLUSTRATE THIS, I WILL READ THE DEPARTMENT OF REVENUE'S ALLEGATIONS FOUND IN CAUSE NO. 37377 IN THE FIRST JUDICIAL DISTRICT COURT:

THE DEPARTMENT OF REVENUE ALLEGES (HERE AGAIN, THEIR OWN LANGUAGE): "THAT THE DECISION MADE BY THE STATE TAX APPEAL BOARD IS IN EXCESS OF ITS STATUTORY AUTHORITY. NEITHER THE STATE TAX APPEAL BOARD NOR THE COUNTY TAX APPEAL BOARD HAS THE JURISDICTION OR POWER TO DECLARE A VALID REGULATION OF THE MONTANA DEPARTMENT OF REVENUE INVALID."

FURTHER, FROM THE SAME CASE:

"THE MONTANADEPARTMENT OF REVENUE DOES NOT HAVE THE BURDEN OF ESTABLISHING THE [illegible] OR THE EQUITABLENESS OF ITS ASSESSMENTS."

IN OTHER WORDS, THEY ARE SAYING THAT WE, AS THE STATE TAX APPEAL BOARD, SHOULD JUST ACCEPT THEIR ASSESSMENTS "CARTE BLANCHE" WITHOUT QUESTION, AND RUBBER STAMP THEIR DECISIONS. I CAN'T BELIEVE THAT THIS IS THE ROLE YOU GENTLEMEN EXPECTED US TO PLAY WHEN YOU CREATED THE TAX APPEAL BOARDS LAST YEAR.

THEN, WITH REGARD TO THE PORTION OF S.B. 599 ON PAGE 3, LINE 5, THAT REFERS TO CONFLICTS WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT. THIS PROVISION IS NOT AS DRASTIC AS IT MAY APPEAR, BUT WE DO HAVE SEVERAL CONFLICTS THAT NEED TO BE CORRECTED. I WILL GIVE YOU ONE EXAMPLE: SECTION 82-4209 OF THE PROCEDURE ACT STATES, "IN A CONTESTED CASE, ALL PARTIES SHALL BE AFFORDED AN OPPORTUNITY FOR HEARING AFTER REASONABLE NOTICE."

NOW, THE DEPARTMENT OF REVENUE WILL ARGUE THAT WE ARE BOUND BY THE MONTANA ADMINISTRATIVE PROCEDURE ACT; BUT, IF YOU WILL REFER TO PAGE 2, BEGINNING ON LINE 7 OF S.B. 599, OUR PRESENT STATUTE SAYS, "AND THE STATE BOARD MAY, IN ITS DISCRETION, DETERMINE THE APPEAL ON SUCH RECORD, OR MAY HEAR FURTHER TESTIMONY." CLEARLY A CONFLICT BETWEEN OUR ACT AND THE MONTANA ADMINISTRATIVE PROCEDURE ACT -- SO WHAT HAPPENS???

HERE AGAIN, I WILL CITE YOU A CASE FROM OUR 1973 HEARINGS:

THIS IS THE CASE OF A SMALL TAXPAYER WHO LIVES IN SIDNEY, MONTANA, AND WHO APPEALED THE DEPARTMENT OF REVENUE ASSESSMENT ON HIS SUMMER COTTAGE ON FLATHEAD LAKE TO THE LAKE COUNTY TAX APPEAL BOARD. THE LAKE COUNTY BOARD HEARD THE PROTEST, FOUND IN FAVOR OF THE TAXPAYER, AND GRANTED HIM A SMALL AMOUNT OF RELIEF. NEXT, THE DEPARTMENT OF REVENUE APPEALED THAT DECISION TO THE STATE TAX APPEAL BOARD. THE TAXPAYER ADVISED US THAT HE DID NOT WANT TO GO THROUGH THE TROUBLE AND EXPENSE OF TRAVELING OVER 400 MILES FROM SIDNEY TO HELENA FOR ANOTHER HEARING, AND THAT HE WOULD RATHER SUBMIT THE MATTER ON THE RECORD OF THE LAKE COUNTY HEARING. OUR BOARD DETERMINED THAT THE COUNTY RECORD WAS ADEQUATE

ON WHICH TO MAKE OUR DECISION, AND WE AFFIRMED THE COUNTY BOARD DECISION. THE ACTUAL AMOUNT OF TAX RELIEF WAS SMALL (NOT IN EXCESS OF $100.00), AND WE ASSUMED THAT THE MATTER WAS CONCLUDED.

BUT NO!! LO AND BEHOLD!!

HERE COMES THE DEPARTMENT OF REVENUE WITH ALL OF ITS VAST RESOURCES AND FILES A COMPLAINT IN THE DISTRICT COURT AGAINST THE TAXPAYER IN QUESTION.

THE DEPARTMENT OF REVENUE ALLEGES THEY WERE DENIED A HEARING. THEY HAD THE SAME OPPORTUNITY AS THE TAXPAYER BEFORE THE COUNTY BOARD TO BE HEARD, PRESENT EVIDENCE AND TESTIMONY, AND TO DEFEND THEIR ASSESSMENT.

GENTLEMEN, THE AMOUNT WE ARE TALKING ABOUT IN THIS CASE IS JUST PEANUTS -- LESS THAN $100.00. SO, IS THIS TAXPAYER IN SIDNEY GOING TO RETAIN A LAWYER AND DEFEND AGAINST THIS SUIT? OF COURSE NOT!! IT SIMPLY ISN'T WORTH IT. SO, IT'S A CASE OF LOSING EVEN IF YOU WIN.

TO ME, IT IS CASE OF HARASSMENT OF A TAXPAYER BY THE DEPARTMENT OF REVENUE, AND HOW DOES THE TAXPAYER FEEL ABOUT THIS? I CAN TELL YOU HOW HE FEELS BECAUSE I WILL READ YOU THE ANSWER TO THIS COMPLAINT THAT THE TAXPAYER, HIMSELF, WROTE TO THE DISTRICT COURT:

"RE: CAUSE NO. 37384
PETITION FOR JUDICIAL REVIEW OF THE
DECISION OF STATE TAX APPEAL BOARD

TO: DISTRICT COURT OF THE
FIRST JUDICIAL DISTRICT OF THE
STATE OF MONTANA - COUNTY OF LEWIS AND CLARK

PLEASE BE ADVISED THAT THIS IS MY ANSWER TO THE COMPLAINT FILED BY THE DEPARTMENT OF REVENUE, STATE OF MONTANA.

In July, I appeared before the Lake County Tax Appeal Board, Polson, Montana, to furnish evidence that an A-Frame Cabin I own on Finley Point of Flathead Lake was being over assessed. That Board, after hearing testimony and personally viewing the cabin, arrived at an appraised value of $8,693.00; and though it was still plenty high as compared to neighboring all-weather houses, I accepted the value and considered the matter closed and had appreciation that under our new constitution a taxpayer may receive a fair hearing.

Under date of August 23, 1973, I received notice from the State Tax Appeals Board that the Department of Revenue of the State of Montana was appealing to it from the Lake County Tax Appeal Board under Sec. 84-709. In letter dated Aguust 30, 1973, I was given the option by the State Tax Appeals Board to present oral evidence or to determine the appeal on the record of the County Board.

As I live 400 miles from Helena, and my tax relief was to be less than $100.00, I elected to present some additional documentary evidence in support of the position taken at the County hearing, and to otherwise let the State Board determine the appeal on the record of the County Board. In Mid-November I received the report of the State Tax Appeals Board which considered my case on November 6, 1973, in Helena, Montana, and upheld the decision of the Lake County Board. Receiving this, I thought the matter surely was closed now, and I again had appreciation that under our new constitution a taxpayer may receive a fair hearing.

And now comes this summons!

It states the Montana Department of Revenue was denied a hearing before the State Tax Appeals Board. Now how can that be? .... To say they were denied a hearing cannot be true.

My property taxes were reduced less than $100.00 for 1973 by this action. They were reduced on basis of evidence submitted by me and after personal

INSPECTION BY THE LOCAL BOARD. TO MAKE ME COME TO COURT IN HELENA, OR TO EMPLOY COUNSEL THERE TO REPRESENT ME IS A TRAVESTY OF JUSTICE. AS IT IS IMPOSSIBLE THAT THE DEPARTMENT OF REVENUE TRULY WAS DENIED HEARING, I MOVE FOR DISMISSAL OF THIS COMPLAINT BY THE DEPARTMENT OF REVENUE, STATE OF MONTANA, AS HAVING NO MERIT OR TRUTH."

THAT'S HOW THE TAXPAYER FEELS!!

GENTLEMEN, IT IS FOR THIS TYPE OF SITUATION THAT WE NEED TO CLEAR UP THE CONFLICTS BETWEEN OUR ACT AND THE MONTANA ADMINISTRATIVE PROCEDURE ACT. THERE ARE OTHERS IF YOU WISH TO KNOW ABOUT THEM.

IN CLOSING, IF YOU BELIEVE IN AN INDEPENDENT APPEAL PROCEDURE CALLED FOR IN THE NEW CONSTITUTION -- AND IF YOU WANT TO SEE THE SYSTEM YOU CREATED LAST YEAR RESPOND TO THE NEEDS OF THE TAXPAYING PUBLIC -- THEN, I THINK YOU WILL SUPPORT S.B. 599.

I CAN ONLY SAY THAT I HAVE TRIED TO SHOW YOU THE ATTITUDE THAT IS DEVELOPING IN THE DEPARTMENT OF REVENUE TOWARD THE STATE TAX APPEAL BOARD; AND, IF THIS ATTITUDE IS PERMITTED TO PREVAIL, WE WILL HAVE A TAX APPEAL PROCEDURE THAT WILL BE NOTHING MORE THAN A RUBBER STAMP FOR THE DEPARTMENT OF REVENUE -- A NOTHING BOARD.

GENTLEMEN, I HAVE TRIED IN MY OWN HUMBLE WAY TO "<u>JUST TELL IT LIKE IT IS</u>," AND URGE YOU TO APPROVE S.B. 599 AS IT APPEARS BEFORE YOU. THANK YOU.

Opponent Reverend James Provost, Chancellor of Diocese of Helena, stated he had reviewed this bill and wished to register some opposition. Basic objection to it is bill winds up tinkering with marriage laws. Before changing law should take into consideration Montana has highest divorce rate in the nation. Could take the concern of the Chamber of Commerce and incorporate it into a study. Presented prepared testimony. (See exhibit).

In closing Senator Turnage expressed respect for Father Provost's ideas. Stated this bill was submitted at request of clerks of court request around the state. Advised committee to not hesitate to kill the bill if they thought this would be the thing to do.

No other opponents, no proponents present. Hearing closed.

Representative Marbut inquired as to whether there was a possible internal conflict in the bill regarding change in age. Representative Turnage replied that on page 1, subsection (3), lines 18 and 19 should be amended out where related to eighteen year old by striking "or who has obtained permission of judge".

Representative Towe stated he was confused and wished to clarify that this bill as drafted now eliminates judicial consent if now between ages of sixteen and eighteen to which he was told it did.

Representative Baeth made a motion Senate Bill 500 BE NOT CONCURRED IN. Representative Lucas concurred.

Representative Brown stated he had a long talk with Judge Kellner who stated he didn't like this bill. Judge Kellner likes the chance to advise and counsel those between ages of sixteen and eighteen and has been successfully able to discourage a few marriages. Representative Lucas stated the clerks are worried about their work load but they get far more work when the marriage hits the divorce courts.

Motion BE NOT CONCURRED IN by Representative Baeth carried with Representative Greely voting no.

SENATE BILL 599 Acting Chairman Yardley stated Representative Fasbender wants to come up and explain his objection to tax appeal board in this bill. Representative Greely feels board should have the right to modify regulations at state level. Representative Yardley stated he might suggest moving bill to taxation committee. Representative Greely moved we allow the bill to be referred to the taxation committee. Feels the department of revenue should have a chance to testify on this bill. Motion carried to refer bill to Taxation Committee.

SENATE BILL 516 Following discussion Representative Greely moved

February 26, 1974

TAXATION COMMITTEE (Hearing on SB599 & HB906)

The House taxation committee was called to order by Chairman Robert D. Watt at 8:08 a.m., with twelve members present. Absent were Burnett, Edland and Swanberg.

Senator J. A. Turnage from Lake County and chief sponsor of Senate Bill 599 explained his bill as one which would clarify the powers of the state tax appeals board and the procedures involved in appeals before the board. He continued that the Department of Revenue has said that the state tax appeals board has no authority to modify decisions made concerning assessments, but simply to affirm or reverse them, and this procedure kills an independent tax appeal system according to Senator Turnage. The provisions of SB599, stated Senator Turnage, would supercede the Montana Administrative Procedures Act, and although the Department of Revenue would claim otherwise, this would be in keeping with the constitution he said. Senate Bill 599 would allow the tax appeal board to interpret facts, and in no way would it change the Department of Revenue rules, claimed Senator Turnage. Mr. Wayrynen, the current chairman of the tax appeal board, was the sole proponent of the bill who actually testified, although there were other proponents present who submitted witness statements. He indicated that the other two members of the tax appeal board, Helen Peterson and J. Morley Cooper, were present and would be available for questions from the committee. Also present was Charles A. Smith, attorney for the state tax appeal board. The testimony as given by Mr. Wayrynen was lengthy and is embodied in a prepared statement which he submitted to the committee and which will appear with these minutes. Keith Colbo, Director of the Department of Revenue was the first opponent to speak, and he stated that the Department has never taken a stand that the board must be a rubber stamp for the Department, but on the contrary he supports a strong appeal system. His testimony will appear with these minutes in the form of a prepared statement. Another opponent, Dennis Burr, also representing the Department of Revenue countered testimony given by Mr. Wayrynen, and continued by stating that the Administrative Procedures Act was passed to protect the public from state agencies, and currently the public is protected in that both the Department and the board are limited somewhat because of a balance system.

(CONT.)

A question-answer period ensued, during which time, Mr. Colbo indicated that presently the board does have the authority to modify decisions so there is no need for SB599; they do not have the authority, however, to over-rule decisions made by the Department of Revenue. Rep. Ulmer asked what Mr. Colbo considered to be the function of the board, and he replied that they are an independent body as stated in the constitution - Rep. Ulmer continued by asking how the board can be considered independent if the Department sets all of the rules, to which Mr. Colbo answered administration still rests with the Department of Revenue in the final analysis. In answer to Rep. Tierney's question as to whether the board can find that the Department is not in compliance with the law, Mr. Colbo stated yes, they are allowed to do so. After more discussion, brief closing remarks were made by the bill's sponsor, Senator Turnage, and the hearing concluded.

At 9:10 a.m., the committee turned its attention to HB906, the timber tax bill, initially sponsored by Rep. Brand. Because of the numerous amendments proposed to it by the subcommittee, however, Rep. Stephens who was appointed chairman of the subcommittee explained the amended bill to the committee. After an explanation concerning each section of the bill, Rep. Stephens concluded by saying that something must eventually be done concerning the timber tax laws, and this is a good workable bill to get the job started. Joe Brand, the bill's chief sponsor, testified briefly in support of the amended bill, claiming however, that he was first able to see the bill on this day. Mike Lambert, staff forester for the Department of Revenue was the next proponent to speak, and he claimed that while the Department was concerned with some aspects of the original bill, they are now satisfied with the amended one even though there may be details to work out as the effective date approaches. Classification, he claimed, has never been completed in some areas, and the new bill would provide for an easier method of administering a timber tax. Therefore, instead of enormous funds being expended in reclassification, a new law would be more effective. Mike Morris, from the legislative council, stated that the bill is flexible in that after five years, a report will be submitted to the legislature for its review. Rep. John Driscoll, from Ravalli County appeared in support of the bill, and

TESTIMONY BEFORE HOUSE TAXATION COMMITTEE "Keith Colbo's Statement" 4-3-7

SENATE BILL 599

Senate Bill 599 is a bill introduced at the request of the State Tax Appeal Board.

The Bill's main provisions are that it gives the Board the power to adjust assessments which are appealed to the Board and it allows the State Tax Appeal Board to supercede the Administrative Procedures Act.

The Board, in testimony before the Senate committee, has said that it does not have the power to adjust an assessment. The Board says it must sustain either the taxpayer or the State but may not settle the assessment at another level. It should be pointed out that the Board has in fact adjusted or modified many assessments of the Department of Revenue. The Board's order concerning the assessment of Anaconda Company property in Great Falls reads in part:

"The appeal is affirmed, subject to the adjustments shown in item II . . . it is hereby ordered that the respondent, Montana Department of Revenue, cause to have adjusted the assessment rolls of Cascade County to reflect the decision of this board." In the case of Bompart vs. State Department of Revenue in Lewis and Clark County, the Department valued a piece of land at $1,380.00, the taxpayer requested a value of $857.00, the Board set the value at $1,160.00. This certainly constitutes an adjustment which the Board says it cannot make. In fact, most of the appeals to the State Tax Appeal Board were adjusted during the last year. Thus, the first section of Senate Bill 599 is unneeded.

The most important part of the bill is the portion which allows the Board to supercede the Administrative Procedures Act. This amendment would destroy all attempts at property tax equalization in Montana.

For example, automobiles are assessed by using values found in the

National Automobile Dealers Association Blue Book. These values are adopted annually after public hearings and are used in every county in Montana. The use of this assessment guide is part of the rules and regulations of the Department adopted under the Administrative Procedures Act and assures equalization of automobile assessments across the State of Montana. If Senate Bill 599 passes, the State Tax Appeal Board could order a different method of assessment in each county in Montana.

As an example, this past year the State Tax Appeal Board ordered the Department of Revenue to use one assessment guide for aircraft in Gallatin County while the Department uses another by regulation in all other counties. The Department has appealed this decision to court.

Senate Bill 599 should be recommended "do not pass" because it would allow the State Tax Appeal Board to act capriciously. If Senate Bill 599 were passed the State Tax Appeal Board could destroy all attempts by the Department of Revenue to treat all taxpayers equally and fairly. The Administrative Procedures Act protects the citizens of the state both from unfair treatment by the Department of Revenue and by the Tax Appeal Board. Both agencies should continue to be limited and accountable to the public under that act.

Finally, this measure if allowed to pass, would vest more discretionary power in an executive board, than that possessed by a duly constituted court.

KEITH L. COLBO
February 26, 1974

March 5, 1974

TAXATION COMMITTEE (Executive Session)

The House taxation committee was called to order by Chairman Robert D. Watt at 9:06 a.m., with thirteen members present. Excused were Wallace Edland and Dan Yardley.

Various subcommittees had met previous to the executive meeting and Walter Ulmer, a member of the subcommittee studying coal taxation reported to the committee regarding their meeting. He stated that their particular subcommittee had met with Lieutenant Governor Bill Christiansen regarding HB527, the vehicle used for coal taxation purposes. Rep. Ulmer explained the proposed changes to the amended bill (which appeared in the 2/27 minutes) and the changes will appear in these minutes in the form of amendments. One change some of the subcommittee members suggested was to lower the 20% tax on the sale price of coal to 15%; however, Reps. Halvorson and Towe stated that it was their contention that the Senate would probably reduce the percentage rate, so that it would be better for the House to start out with a higher rate - atleast 16%. Rep. Ulmer stated the taxation committee would have to decide whether the purpose of the bill should be to change the method of coal taxation, or to appreciably raise the coal tax. Chairman Watt interjected that the basis should be changed in order not to necessitate so much tinkering with coal-tax laws in the future. Finally, Rep. Ulmer moved that the amended bill be further amended according to the subcommittee's recommendations, and he included the 16% figure as proposed by Rep. Halvorson, and his motion carried with the following persons voting against it: Burnett, Healy, Kolstad and Lundgren. Rep. Ulmer then moved that as amended, HB527 DO PASS, and that motion also carried with Burnett and Kolstad voting against it.

The next bill to be acted on for the day was SB599, sponsored by Senator Turnage - the bill would clarify the powers of the State Tax Appeals Board and the procedures involved in appeals before the board. Rep. Towe informed the committee that he had prepared an amendment to the bill and conferred with both the Department of Revenue and also the State Tax Appeals Board concerning it, and it was acceptable to both sides. The amendment appears on page 3 of the third reading bill, section 1, line 10, after the word "ACT." by inserting the following material "The State Tax Appeal Board shall not have authority to amend or

March 5, 1974

(CONT.)

or repeal any administrative rule or regulation duly promulgated unless the board finds that such rule or regulation is arbitrary, capricious, or otherwise unlawful." Rep. Towe moved the adoption of his amendment and the motion carried unanimously. He then moved that as amended, SB599 BE CONCURRED IN, and that motion also carried unanimously.

The final bill to be heard for the day was HB962, an act to provide for a ten percent (10%) tax on income realized from gambling and from the manufacture, sale, lease, distribution or other disposition of gambling devices in Montana. Rep. Tierney proposed several amendments to the bill, and after explaining them to the committee moved their adoption, and his motion carried unanimously. He then moved that as amended, HB962 DO PASS, and the motion carried, with Rep. Halvorson casting the sole "naye" vote. The amendments will appear with these minutes.

There being no further business, the meeting adjourned at 9:50 a.m.

Linda D. Adams, Secretary
House Taxation Committee

remission of funds by the state of Montana to said local government unit, provided, however, that any requirement in such law that financing be made from the local government unit's levy authority must also provide authority therein to increase said levy by an amount necessary to finance said program, and provided further, that if financing is provided by remission of funds by the state of Montana, such remission shall bear a reasonable relationship to the actual cost of performing the activity or providing the service or facility. The local government unit may refuse to administer or enforce any law which does not comply with the requirements of this section if that law requires an expenditure that would require the local government unit to exceed its statutory levy authority. No subsequent legislation shall be deemed to supersede or modify any provision of this act, whether by implication or otherwise, except to the extent that such legislation shall do so expressly.

Section 2. There is a new section to be numbered 43-518, R.C.M. 1947, which reads as follows:

43-518. **Not applicable to certain legislation.** This act shall not apply to any law under which the required expenditure of additional local funds is incidental to the main purpose of the law.

Approved March 25, 1974

CHAPTER NO. 276

AN ACT AMENDING SECTIONS 16-2413, 93-401, AND 93-402, R.C.M. 1947, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS IN EVERY COUNTY TO CONSTITUTE ONE ADDITIONAL JUSTICE COURT AS THE BOARD OF COUNTY COMMISSIONERS DEEMS NECESSARY AND TO PROVIDE FOR THE LOCATION OF THE JUSTICE COURTS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 93-401, R.C.M. 1947, is amended to read as follows:

"93-401. **Justices' courts and justices of the peace.** (1) There must be at least one (1) justice court in each county of the state. *The board of county commissioners of each county of the state shall have authority to constitute one (1) additional justice court in their respective counties as the board deems necessary. One (1) justice court in each county must be located at the county seat and the board of county commissioners shall determine the location of the other justice court in their respective counties. Each* justice of the peace must be elected by the qualified electors of the county at the general state election next preceding the expiration of the term of office of his predecessor.

(2) A justice of the peace shall be nominated and elected on the nonpartisan judicial ballot in the same manner as are judges of the district court. Each judicial office shall be a separate and independent office for

election purposes and each office shall be numbered by the county commissioners and each candidate for justice of the peace shall specify the number of the office for which he seeks to be elected. A candidate may not file for more than one (1) office. Section 23-4511 prohibiting political party endorsement for judicial officers shall also apply to justices of the peace.

(3) Each justice of the peace, elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office take the constitutional oath of office, which must be filed with the county clerk.

(4) Before the county clerk may file the oath the elected or appointed justice must satisfy the clerk that he is either:

(a) an attorney at law authorized to practice law in the state of Montana, or

(b) a person who has held the office of justice of the peace within the preceding five (5) years, or

(c) a person who has completed the orientation course of study held under the direction of the Montana Magistrates Association of the state of Montana; or if a person is appointed after the course is offered he must agree to take the course at the next offering and failure to do so will disqualify him.

(5) The Montana Magistrates Association shall present a course of study within four (4) weeks following each general election. Mileage and per diem shall be paid the elected or appointed justice of the peace for attending the course and shall be a proper charge against the county wherein the justice of the peace will hold court."

Section 2. Section 16-2413, R.C.M. 1947, is amended to read as follows:

"16-2413. **Keep office at county seat.** All county officers *except justices of the peace as set forth in 93-401* must keep their offices at the county seat."

Section 3. Section 93-402, R.C.M. 1947, is amended to read as follows:

"93-402. **Courts — when open for business.** A justice's court is always open for the transaction of business, except on legal holidays and non-judicial days."

Section 4. This act is effective on its passage and approval.

Approved March 25, 1974

CHAPTER NO. 277

AN ACT AMENDING SECTIONS 84-709 AND 84-709.1, R.C.M. 1947, CLARIFYING THE POWERS OF THE STATE TAX APPEALS BOARD AND THE PROCEDURES INVOLVED IN APPEALS BEFORE THE STATE TAX APPEALS BOARD.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 84-709, R.C.M. 1947, is amended to read as follows:

"84-709. **Appeal to state tax appeal board — hearing.** Any person, firm or corporation or the department of revenue in behalf of the state, or any municipal corporation, aggrieved by the action of any county tax appeal board, may appeal to the state board by filing with the county tax appeal board a notice of appeal, and a duplicate thereof with the state board, within ten days after the action of the county board, which notice shall specify the action complained of and the reasons assigned for such complaint. The state board shall set such appeal for hearing either in its office in the capitol or such county seat as the board shall deem advisable to facilitate the performance of its duties or to accommodate parties in interest, and shall give to the appellant and to the county board at least five days' notice of the time and place of such hearing; at the time of giving such notice the state board may require the county board to certify to it the minutes of the proceedings resulting in such action and all testimony taken in connection therewith, and the state board may, in its discretion, determine the appeal on such record *if all parties receive a copy of the transcript and are permitted to submit additional sworn statements,* or may hear further testimony. For the purpose of expediting its work the state board may refer any such appeal to one of its members and the person so designated shall have and exercise all the powers of the board in conducting such hearings, and shall, as soon as possible thereafter, report the proceedings, together with a transcript of the testimony received, to the board and the state board shall determine such appeal on the record so made. On all hearings at county seats throughout the state, the state board or the member designated to conduct a hearing may employ the local court reporter or other competent stenographer to take and transcribe the testimony received, and the cost thereof may be paid out of the general appropriation for the board. *In connection with any appeal the state board shall have the authority to affirm, reverse, or modify any decision appealable to the state tax appeal board; the decision of the state tax appeal board shall be final and binding upon all interested parties unless reversed or modified by judicial review. To the extent this section is in conflict with the Montana Administrative Procedure Act, this section shall supersede the Montana Administrative Procedure Act. The state tax appeal board shall not have authority to amend or repeal any administrative rule or regulation. The state tax appeal board must give an administrative rule or regulation full effect unless the board finds any such rule or regulation arbitrary, capricious or otherwise unlawful."*

Section 2. Section 84-709.1, R.C.M. 1947, is amended to read as follows:

"84-709.1. **Judicial review of contested cases.** (1) Any party to an appeal before the state tax appeal board who is aggrieved by a final decision in a contested case is entitled to judicial review under this act.

(2) Proceedings for review shall be instituted by filing a petition in district court, *and serving a copy thereof on the state tax appeal board,* within thirty (30) days after service of the final decision of the state tax appeal board, or if a rehearing is requested within thirty (30) days after the decision thereon. *All parties to the appeal shall cause to be served on the state tax appeal board a copy of all pleadings and documents they shall file in such proceeding."*

Approved March 25, 1974

CHAPTER NO. 278

AN ACT TO AMEND SECTION 32-4102, R.C.M. 1947, TO ALLOW THE STATE HIGHWAY COMMISSION TO WAIVE THE PROVISIONS OF SECTIONS 84-3507 AND 82-1927, R.C.M. 1947, RELATING TO PUBLIC CONTRACTORS WORKING BEYOND CONTRACT WHEN THE ENFORCEMENT OF SUCH PROVISIONS WILL RESULT IN A REDUCTION OF THE FULL BENEFITS OF THE FEDERAL HIGHWAY ACT OF 1921 AND ALL AMENDMENTS THERETO.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-4102, R.C.M. 1947, is amended to read as follows:

"32-4102. **Competitive bidding.** (1) When the estimated cost of any work exceeds one thousand dollars ($1,000), the commission shall let the contract by competitive bidding. Award shall be made upon such notice and upon such terms as the commission may prescribe by its rules and regulations. However, except when prohibited by federal law, the commission must make awards and contracts in accordance with the provisions of sections 82-1924 and 82-1926.

(2) If the commission finds that such work may be done in some more efficient manner, it need not let the contract by competitive bidding.

(3) If, on any highway construction work financed in whole or in part by federal funds, the United States secretary of commerce affirmatively finds that under the circumstances relating to a particular project some method other than competitive bidding is in the public interest, the commission may enter into contracts with any board of county commissioners. Such contracts may authorize each county to acquire rights of way for, survey, and construct farm to market, secondary, or feeder roads within the county by force account, unit price, or otherwise, as may be agreed by the commission and each board.

(4) If, on any highway construction work financed in whole or in part by federal funds the commission finds that enforcement of the provisions contained in sections 84-3507 and 82-1927, relating to public contractors working beyond contract time will result in a reduction in the full benefits of the Federal Highway Act of 1921 and all amendments thereto, it may waive enforcement of such provisions."

Approved March 25, 1974

CHAPTER NO. 279

AN ACT TO END COUNTY FINANCIAL PARTICIPATION IN FEDERAL MEDICAL ASSISTANCE PROGRAMS AND TO LOWER THE MAXIMUM COUNTY LEVY WHICH MAY BE IMPOSED FOR SUPPORT OF POOR AND INDIGENT PERSONS, AMENDING SECTIONS 71-1524 AND 71-106, R.C.M. 1947; AND REPEALING SECTIONS 71-1519 AND 71-1522, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana: